

REVISED

**Tempe City Council
Formal Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, August 19, 2010
7:30 PM**

Members of the City Council may attend either in person or by telephone conference call.

1. INVOCATION - Robin Arredondo-Savage

2. PLEDGE OF ALLEGIANCE

3. MINUTES - Councilmember Ellis

A. Approval of Council Meeting Minutes

1. [Formal Council Meeting - June 24, & July 1, 2010](#)
2. [Council Executive Session - June 24, 2010](#)
3. [Council Special Budget Meeting - June 24, 2010](#)
4. [Council Technology, Economic & Community Development Technology Forum - March 24, 2010](#)
5. [Council Technology, Economic & Community Development Committee - May 7, 2010](#)
6. [Council Housing Committee - June 15, 2010](#)
7. [Council Transportation Committee - June 15, 2010](#)

B. Acceptance of Board & Commission Meeting Minutes

1. [Tardeada Advisory Board - February 8, 2010](#)
2. [Historical Museum Advisory Board - April 1, 2010](#)
3. [Enhanced Services Commission - April 14, 2010](#)
4. [Multi-modal Planning & Project Review Transportation Commission Subcommittee - April 14, 2010](#)
5. [Double Butte Cemetery Advisory Committee - April 21, 2010](#)
6. [Transit Fund Ad Hoc Committee - April 20, 2010](#)
7. [Transportation Commission - April 27, 2010](#)
8. [Housing Trust Fund Advisory Board - May 10, 2010](#)
9. [Public Art/Art in Private Development Municipal Arts Commission Subcommittee - May 12, & June 15, 2010](#)
10. [Municipal Arts Commission - May 12, 2010](#)
11. [Parks, Recreation and Golf Advisory Board - May 19, 2010](#)
12. [Grants Municipal Arts Commission Subcommittee - May 25, 2010](#)
13. [Hearing Officer - June 1 & 22, and July 6, & 20, 2010](#)
14. [Neighborhood Advisory Commission - June 5, 2010](#)
15. [Development Review Commission - June 8 & 22, and July 13, 2010](#)

16. [Tempe Police Public Safety Personnel Retirement Board - June 10, 2010](#)
17. [Historic Preservation Commission - June 10, 2010](#)
18. [Committee for Youth, Families and Community Town Hall Ad-Hoc Committee - June 17, & July 7, 2010](#)
19. [Tempe South Corridor Study - Ad Hoc Committee - June 23, & July 14, 2010](#)
20. [Special Events Task Force - July 13, 27 & August 10, 2010](#)
21. [Human Relations Commission - June 8, 2010](#)

4. REPORTS AND ANNOUNCEMENTS

- A. [Mayor's Announcements](#)
- B. [Manager's Announcements](#)

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

A. [Miscellaneous Items](#)

- A1. [Request approval of the Report of Claims Paid to be filed for audit for June 2010.](#)

COMMENTS	N/A
DOCUMENT NAME	20100819fsnw01 ACCOUNTS PAYABLE (0208-01)

- A2. [Request approval of the Report of Claims Paid to be filed for audit for July 2010](#)

COMMENTS	N/A
DOCUMENT NAME	20100819fsnw02 ACCOUNTS PAYABLE (0208-01)

- *A3. [This is a public hearing to recommend the approval of a Series 12 restaurant continuation \(Grill Bill\) liquor license for Corner Pub Inc., dba Bogey's, 6463 South Rural Road.](#)

COMMENTS

Stephanie J Potter is the Agent for this application.

The Arizona Department of Liquor License and Control (ADOL) conducted an audit of this establishment to determine if they were meeting the minimum 40% of revenue being derived from food sales as required by statute for a Series 12 restaurant liquor license. Audit findings revealed this establishment requires a Series 12 restaurant continuation (Grill Bill) liquor license which allows for a minimum of 30% revenue being derived from food sales. There are only fifteen of these licenses issued each fiscal year. Applicants that are granted these licenses pay a \$30,000 fee to ADOL. A restaurant continuation (Grill Bill) liquor license allows the applicant to continue to sell liquor during the application review process.

DOCUMENT NAME

20100819fsap04 Bogey's 117054 – LIQ LIC (0210-02)

- *A4. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Canteen Tempe LLC, dba Canteen Modern Tequila Bar, 640 South Mill Avenue, #110.](#)

COMMENTS

Julian J Wright is the Agent for this application.

DOCUMENT NAME

20100819fsap01 Canteen 124024 – LIQ LIC (0210-02)

- *A5. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Luigi's Pizza LLC, dba Luigi's Pizza, 1805 East Elliot Road, #109.](#)

COMMENTS

Corey Thomas Holmes is the Agent for this application

DOCUMENT NAME

20100819fsap03 Luigi's 120664 – LIQ LIC (0210-02)

- *A6. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Brosenbrus LLC, dba Brosenbrus, 922 East Apache Boulevard, #105.](#)

COMMENTS

Bradley Allen Stewart is the Agent for this application.

DOCUMENT NAME

20100819fsap02 Brosenbrus 123912 – LIQ LIC (0210-02)

- A7. [Request approval of a database and infrastructure management support expenditure with Public Safety Systems Incorporated \(PSSI\) for the Police Department's Computer Aided Dispatch system and the Incident/Crime Information system.](#)

COMMENTS

(Sole Source #IT09-037-004) Total cost shall not exceed \$84,000.

DOCUMENT NAME

20100819fst07 PURCHASES (1004-01)

- A8. [Request for an amended subdivision plat for Southern Plaza 2nd Amended located at 620 East Southern Avenue.](#)

COMMENTS

Request for SOUTHERN PLAZA 2ND AMENDED (PL090107) (VERUS-RS, LLC and Wal-Mart Stores, Inc. property owners; Merestone Land Survey, applicant) for a subdivision plat located at 620 East Southern Avenue in the PCC-1, Planned Commercial Center Neighborhood District. This request includes the following:

SBD10007 – Amended Subdivision Plat from two (2) lots to three (3) lots on 10.76 acres.

DOCUMENT NAME 20100819dsrl01 PLANNED DEVELOPMENT (0406)

- A9. [Request for a lot line adjustment for Agave Center Lots 7 & 8 located at 8945 South Harl Avenue.](#)

COMMENTS Request for AGAVE CENTER LOTS 7 & 8 (PL100064) (MEPT Agave, LLC, property owner; David Evans & Assoc., applicant) for a subdivision plat located at 8945 South Harl Avenue in the GID, General Industrial District and PCC-1, Planned Commercial Center Neighborhood District. This request includes the following:

SBD10006 – Lot Line Adjustment for two (2) lots on approximately 7.2 acres.

DOCUMENT NAME 20100819dsrl02 PLANNED DEVELOPMENT (0406)

- A10. [Request approval to accept the Magellan Health Services of Arizona, Inc. Prevention Services grant for the provision of youth substance abuse prevention programs and coalition efforts to reduce underage drinking in Tempe.](#)

COMMENTS The Magellan Health Services of Arizona grant awards to the City of Tempe \$136,748.00 in federal funds from July 1, 2010 through June 30, 2011. No matching funds are required from the City. Existing City staff will assist in administering the program within current budget allocations for fiscal year 2010-11.

DOCUMENT NAME 20100819cskb01EDUCATION-SERVICE PROJECTS (0606-01-02)

B. Award of Bids/Contracts

- B1. [Request approval of a one-year renewal of a contract with West Coast Arborists, Inc. for tree trimming services for the downtown trees as well as various City parks and facilities to be used by the Public Works Department.](#)

COMMENTS (T09-041-01) Total cost of this renewal shall not exceed \$200,000 during the one-year contract period beginning October 17, 2010.

DOCUMENT NAME 20100819fslg02 (PURCHASES 1004-01)

- B2. [Request approval for the expenditure of funds under the existing Intergovernmental Agreement with the City of Phoenix Fire Department for firefighter medical and physical exams for the fiscal year 2010/2011.](#)

COMMENTS (C97-179) Total expenditure of funds for fiscal year 2010/2011 shall not exceed \$125,000.

DOCUMENT NAME 20100819fslg04 PURCHASES (1004-01)

- B3. [Request approval of a one-year contract renewal with Utility Service, Co., Inc. for the maintenance and repair of water reservoir tanks for the Public Works Water Utilities Division.](#)

COMMENTS (T01-052-01) Total value of this renewal shall not exceed \$85,000 during this one-year contract period.
DOCUMENT NAME 20100819fst06 (PURCHASES 1004-01)

- B4. [Request approval of a one-year renewal of contracts with Phoenix Pumps, Inc. and Weber Group L.C. for the maintenance, repair and purchase of large capacity vertical turbine pumps for the Public Works Water Utilities Division.](#)

COMMENTS (WUD08-187-01 and 02) Total combined value of this renewal shall not exceed \$400,000 during the one-year contract period.
DOCUMENT NAME 20100819fst08 PURCHASES (1004-01)

- B5. [Request approval to ratify the use of a State of Arizona contract with Midway Chevrolet for the purchase of a service truck to be use by the Public Works Department to service fresh water lift and booster stations.](#)

COMMENTS (SCC0900001) Total cost of this purchase is \$57,642.39.
DOCUMENT NAME 20100819fst12 PURCHASES (1004-01)

- B6. [Request approval to utilize a one-year State of Arizona contract with Goodyear Tire and Rubber Company for the purchase of Goodyear tires and tubes. Purchases will be made through an authorized Goodyear dealer, currently Purcell Western States.](#)

COMMENTS (AD040531) The total value of this contract will not exceed \$100,000.
DOCUMENT NAME 20100819fst09 PURCHASES (1004-01)

- B7. [Request approval to utilize a three-year Maricopa County cooperative contract with Conduit Language Specialists for the purchase of monitoring and transcription services to be used by the Police Department and be paid for using federal and state crime prevention funds](#)

COMMENTS (Maricopa County Contract 09-125) Total amount not to exceed \$1,500,000 over the three-year term of agreement.
DOCUMENT NAME 20100819fsmg05 PURCHASES (1004-01)

- B8. [Request approval to utilize a one-year City of Tucson/National Intergovernmental Purchasing Alliance contract with Toter, Inc. for the purchase of 95-gallon residential refuse and recycling containers for use by the Public Works Department.](#)

COMMENTS (083008-01 City of Tucson) The total value of this contract will not exceed \$125,000.
DOCUMENT NAME 20100819fst10 PURCHASES (1004-01)

- B9. [Request approval to award a one-year contract with four, one-year renewal options with First Data Government Solutions, LP for the purchase, implementation and annual maintenance of an Interactive Voice Response/Interactive Web Response System for the Customer Services Division. This is a bond funded project on the approved Capital Improvement Program \(CIP\) project list.](#)

COMMENTS (RFP10-137) Total cost of this contract will not exceed \$400,000 for the first year of this agreement.
DOCUMENT NAME 20100819fst14 PURCHASES (1004-001)

- B10. [Request approval to award a contract to Norwood Equipment, Inc. for the purchase of two \(2\) hook lift type emergency response storage units for use by the Fire Department.](#)

COMMENTS (RFP11-018) Total value of this contract will not exceed \$55,000.
DOCUMENT NAME 20100819fst15 PURCHASES (1004-01)

- B11. [Request approval for the Renewal of the Facility Use Agreement between Tempe School District No. 3 and the City of Tempe Kid Zone Enrichment Program for the before school, after school, breaks \(fall, winter and spring\) and summer facilities for the Kid Zone Enrichment Program from August 1, 2010 to July 31, 2011.](#)

COMMENTS Total cost shall not exceed \$38,295.00
DOCUMENT NAME 20100819cskb03 COMMUNITY SERVICES ADMIN (0701-01)

- B12. [Request award of a construction manager at risk construction services contract with Sundt Construction, Inc., award of a construction management contract with Wilson Engineers, L.L.C. and award of a materials testing and inspection services contract with Ninyo & Moore Geotechnical Consultants, Inc. for improvements to the South Tempe Water Treatment Plant - GMP 2. This is a bond-funded project on the approved CIP water utilities project list.](#)

COMMENTS Total cost for the construction manager at risk (CMAR) construction services contract is \$23,617,462, total cost for the construction management contract is \$1,502,510, total cost for the materials testing and inspection services contract is \$122,000 and the amount of the project contingency is \$1,000,000.
DOCUMENT NAME 20100819PWDR05 SOUTH TEMPE WATER TREATMENT PLANT(0811-08) PROJECT NO. 3203211

- B13. [Request approval of a Sole Source contract with TSC America, DBA TATA American International for the City's business/privilege tax software system upgrade, used by the Tax and License Division of the Financial and Technology Department. This is a bond funded project on the approved Capital Improvement Program \(CIP\) project list.](#)

COMMENTS (Sole Source IT10-162-01) Total amount of the contract shall not exceed \$375,000.
DOCUMENT NAME 20100819fst13 (PURCHASES 1004-01)

- B14. [Request approval to award a contract with MGT of America, Inc., to conduct a detention facility review for the Police Department.](#)

COMMENTS (RFP #10-130) Total amount not to exceed \$74,405.00.
DOCUMENT NAME 20100819fsmg11 PURCHASES (1004-01)

- C. **Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.**

- *C1. [Introduction and first public hearing to adopt an ordinance authorizing the granting of an electrical "Utility Easement" to Salt River Project by the City of Tempe. The second public hearing is scheduled for September 2, 2010.](#)

COMMENTS This easement will enable Salt River Project to provide electrical power to operate lighting for the Rio Salado Restoration Project, Phase 3, located adjacent to the south bank of Tempe Town Lake.
DOCUMENT NAME 20100819PWWS06 GRANT OF EASEMENT (0904-02)
ORDINANCE NO. 2010.30

- *C2. [Introduction and first public hearing to adopt an ordinance authorizing the granting of an electrical "Utility Easement" to Salt River Project by the City of Tempe. The second public hearing is scheduled for September 2, 2010.](#)

COMMENTS This easement will enable Salt River Project to provide electrical power to operate Well Site Number Nine, located at 1502 East Calle De Caballos.
DOCUMENT NAME 20100819PWWS07 GRANT OF EASEMENT (0904-02)
ORDINANCE NO. 2010.29

- *C3. [Introduction and first public hearing to adopt an ordinance authorizing the granting of an easement to Southwest Gas Corporation to install and maintain the facilities necessary to provide gas service to 1829 E. Apache Blvd. The second public hearing is scheduled for September 2, 2010.](#)

COMMENTS This easement will enable Southwest Gas Corporation to provide gas service to 1831 E. Apache Blvd.
DOCUMENT NAME 20100819PWWS08 GRANT OF EASEMENT (0904-02)
ORDINANCE NO. 2010.31

D. Ordinances and Items for Second Hearing/Final Adoption

- *D1. [This is the second and final public hearing to adopt an ordinance authorizing the abandonment of a 3' wide utility easement on Lot 136 of Circle G Ranches 4 Unit 3 Subdivision.](#)

COMMENTS This request is part of a proposed re-plat of Lot 136.
DOCUMENT NAME 20100819PWWS01 ABANDONMENT (0901) Ordinance 2010.21

- *D2. [This is the second and final public hearing to adopt an ordinance authorizing the abandonment of all Water Lines and Water Line Easements within Lot 1 of the "Galleria Palms" Subdivision \(located at 1600 West La Jolla Drive\).](#)

COMMENTS This request is part of a re-plat of Lot 1 of the Galleria Palms Subdivision.
DOCUMENT NAME 20100819PWWS02 ABANDONMENT (0901) Ordinance 2010.25

- *D3. [This is the second and final public hearing to adopt an ordinance authorizing the abandonment of all Water Line Easements lying within Lot Two of Emerald Phase II and III \(located at 8515 East Emerald Drive\).](#)

COMMENTS This is part of a re-plat currently under review by the City for Emerald Phase II and III.

DOCUMENT NAME 20100819PWWS03 ABANDONMENT (0901) Ordinance 2010.26

- *D4. [This is the second and final public hearing to adopt an ordinance authorizing the abandonment of a construction and maintenance easement located at 1305 West 23rd Street.](#)

COMMENTS This request completes the abandonment process from a previous water line easement abandonment.

DOCUMENT NAME 20100819PWWS04 ABANDONMENT (0901) Ordinance 2010.23

- *D5. [This is the second and final public hearing for a Planned Area Development Overlay for Quik Trip #1420 located at 1190 West Elliot Road.](#)

COMMENTS Request for QUIK TRIP # 1420 (PL090493) (Rodney Loyd, Quik Trip Corporation, property owner; Juan Romero, Quik Trip Corporation, applicant) for a 5,014 sf. convenience store with a 6,190 sf. fuel sales canopy on a +/- 1.43 acre site located at 1190 West Elliot Road in the PCC-2, Planned Commercial Center General District and the SWOD, Southwest Tempe Overlay District. The request includes the following:

PAD10006 – (Ordinance No. 2010.19) Planned Area Development Overlay to establish development standard for rear yard building setback.

DOCUMENT NAME 20100819dskko01 PLANNED DEVELOPMENT (0406) Ordinance No. 2010.19

E. **Resolutions**

- E1. [Request approval of a resolution which authorizes room fees and charges for the use of the Don Cassano Community Room, Tempe Transportation Center.](#)

COMMENTS N/A

DOCUMENT NAME 20100701pwdj01 MISCELLANEOUS FEES (0210-05) Resolution 2010.81

- E2. [Request approval of a resolution approving a Memorandum of Understanding between the Tempe Supervisors' Association and the City of Tempe July 1, 2010 - June 30, 2011 and authorizing its execution.](#)

COMMENTS Resolution 2010.99 approves the execution of the Memorandum of Understanding (MOU) between the City and the Tempe Supervisors' Association (TSA) for the period July 1, 2010 – June 30, 2011.

DOCUMENT NAME 20100819hrrb01 SUPERVISORY EMPLOYEES – MEET AND
CONFER (303-08-05) Resolution No. 2010.99

- E3. [Request approval of a resolution authorizing the Mayor to execute the Grant Agreement between the Arizona Criminal Justice Commission and the City of Tempe for the provision of CARE 7 victim assistance services during fiscal year 2010-2011.](#)

COMMENTS The Arizona Criminal Justice Commission (ACJC) grant awards to the City of Tempe \$21,000.00 in state funds from July 1, 2010 through June 30, 2011. The required match of \$21,000 will be met through existing City staff in cost center 2485.

DOCUMENT NAME 20100819cskb02COMMUNITY SERVICES ADMIN (0701-01)
RESOLUTION NO. 2010.98

- E4. [Request approval of a resolution authorizing the creation of a two year temporary benefitted position for a Building Inspector II for the implementation of the International Energy Code \(IEC\).](#)

COMMENTS N/A

DOCUMENT NAME 20100819cddk01 POSITIONS AUTHORIZED (0302-01-00)
Resolution No. 2010.100

- E5. [Requesting approval of a resolution to accept funding from the United States Department of Justice, Drug Enforcement Administration \(DEA\), for overtime for the police officer assigned to the DEA Task Force.](#)

COMMENTS Funding not to exceed \$17,202.25.

DOCUMENT NAME 20100819pdsam02 POLICE DEPT ADMIN (6060200) Resolution
No. 2010.106

- E6. [Request approval of a resolution authorizing an extension of the Intergovernmental Agreement between the City of Tempe and Kyrene School District No. 28 for one year, which details the agreed upon respective responsibilities of the School Resource Officer grant program.](#)

COMMENTS The City will be reimbursed up to \$80,044 for FY2011 toward the cost of salary and benefits for one School Resource Officer.

DOCUMENT NAME 20100819pdsam01 POLICE DEPT ADMIN (6060200) Resolution No.
2010.101

- *E7. [Public hearing pursuant to federal law to obtain citizen comment and request approval of a resolution revising the preference system for the selection of applicants to the Section 8 Housing Choice Voucher Program.](#)

COMMENTS N/A

DOCUMENT NAME 20100819cdlc01 HOUSING AUTHORITY SECTION 8
ADMINISTRATIVE PLAN (0408-09) Resolution No. 2010.95

- E8. [Request approval of a resolution to adopt the Maricopa County Community Wildfire Protection Plan 2010.](#)

COMMENTS This is a countywide risk assessment that was developed in response to the Healthy Forests Restoration Act of 2003.

DOCUMENT NAME 20100819 fdmk02 Fire/Paramedic Service Admin (0605-01)
Resolution No. 2010.105

- E9. [Request approval of a resolution establishing an Applicant Agent for the City of Tempe and the Arizona Department of Emergency Management.](#)

COMMENTS The Resolution names Fire Chief Mark Simmons as the Applicant Agent.

DOCUMENT NAME 20100819 fdmk01 Fire/Paramedic Service Admin (0605-01)
Resolution No. 2010.104

- E10. [Request approval of a resolution authorizing the submittal of a grant application for the design and construction of a shared-use path and underpass along the Rio Salado/Salt River Channel underneath the ADOT Loops 101 and 202 in Tempe, and authorizing the Mayor to execute such documents as may be necessary to evidence and implement the grant if awarded to the City and allocating funds for the City's portion of the project costs.](#)

COMMENTS N/A

DOCUMENT NAME TRANSPORTATION PLANNING (1101-01) Resolution No.
2010.109

- E11. [Request approval of a resolution approving a Memorandum of Understanding between the Tempe Firefighter's Unit and the City of Tempe effective July 1, 2010 – June 30, 2013 and authorizing its execution.](#)

COMMENTS Resolution 2010.107 approves the execution of the Memorandum of Understanding (MOU) between the City and the Tempe Firefighter's Unit for the period July 1, 2010 – June 30, 2013.

DOCUMENT NAME 20100819hrrb02 FIRE FIGHTERS – MEET AND CONFER (0303-08-01) Resolution No. 2010.107

- E12. [Request approval of a resolution amending the Intergovernmental Agreement for the Commercial Recreational Development of Indian Bend Wash Outlet between the City of Tempe and the Flood Control District of Maricopa County.](#)

COMMENTS Amendment No. 1 clarifies the District's role in approving leases and lease modifications Tempe enters into as authorized by the Intergovernmental Agreement between the City and the Flood Control District for commercial recreational use of the District's Indian Bend Wash Outlet property.

DOCUMENT NAME 20100819wudcb04 FLOOD CONTROL ADMINISTRATION (0808-01) Resolution No. 2010.103

6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they

are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

A. Scheduled

B. Unscheduled

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

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